

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFERSON PINZON,

a.k.a. Kevin Ismael Miranda,

Petitioner,

v.

CASE NO. 2:11-CV-241

CRIM. NO. 2:09-CR-112(4)

JUDGE FROST

MAGISTRATE JUDGE ABEL

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On December 20, 2011, the Magistrate Judge issued a *Report and Recommendation* recommending that all of Petitioner's claims, with the exception of his claim of ineffective assistance of counsel based on his attorney's alleged failure to file a notice of appeal after being requested to do so, be dismissed. The Magistrate Judge further recommended counsel be appointed on Petitioner's behalf to represent him at an evidentiary hearing on this sole remaining claim of ineffective assistance of counsel.

Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner seeks an evidentiary hearing on all of his claims. Petitioner objects to all of the Magistrate Judge's recommendations of dismissal of his claims on the merits. He again raises all of the same arguments he previously presented.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. All of Petitioner's claims are **DISMISSED**, with the exception of his claim of ineffective assistance of

counsel based on his attorney's alleged failure to file a notice of appeal after being requested to do so. Counsel shall be appointed on Petitioner's behalf to represent him at an evidentiary hearing on this claim.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
United States District Judge